



The relief described hereinbelow is SO ORDERED.

Signed July 31, 2023.

A handwritten signature in black ink, appearing to read "H. Mott", written over a horizontal line.

H. CHRISTOPHER MOTT  
UNITED STATES BANKRUPTCY JUDGE

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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

In re

PASO DEL NORTE MATERIALS, LLC,

Debtor.

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§  
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§  
§

Case No. 23-30252-HCM-11

**ORDER GRANTING DEBTOR'S EMERGENCY MOTION FOR AUTHORIZATION  
TO SELL FOUR RANCO END-DUMP TRAILERS FREE AND CLEAR OF LIENS**

On July 25, 2023 after notice and an opportunity to be heard were furnished to parties in interest, the Court considered via WebEx hearing the Motion of the Debtor-in-Possession PASO DEL NORTE MATERIALS, LLC ("PDNM") to Sell for the sum of \$256,000 four Ranco 26' End-Dump Trailers, serial numbers ending -8771, -8772, -8773, and -8774, free and clear of liens and interests under 11 U.S.C. § 363(b) and (f). For good cause shown, the Motion is GRANTED.

From the proceeds of \$256,000 there shall be paid the following liens and expenses:

- a) Attorney's fees and expenses for the disposition of the 4 Ranco Trailers have been requested by Debtor's counsel E.P. BUD KIRK of up to \$4,500.00. Those funds shall remain in Mr. KIRK's trust account pending Court approval of a motion to surcharge the collateral under 11 U.S.C. § 506(c), which Mr. KIRK is to file with the Court, together with the appropriate billing and expense records. Any amount of that \$4,500.00 Motion that is not approved by the Court shall be sent on to FIRST SOURCE BANK.
- b) A sales commission of 5.469%, already paid to and being held by the broker CARMODY & ASSOCIATES, equal to \$14,000.00; is not approved and may be retained by the broker.
- c) The balance of the sale proceeds, \$237,500.00, is to be paid to the first contractual lienholder, 1<sup>ST</sup> SOURCE BANK. 1<sup>ST</sup> SOURCE BANK upon receipt of the above payment shall furnish forms of lien releases for the four Ranco Trailers to the Buyer, CORE EQUIPMENT, LLC, at 1476 W. Howard Ave, Suite B, Gilbert AZ 85233. The sale is, however, free and clear of all liens, whether a release is executed or not.
- d) Any sales tax upon this transaction is to be borne by the buyer, CORE EQUIPMENT, LLC, at 1476 W. Howard Ave, Suite B, Gilbert AZ 85233.
- e) It shall be PASO DEL NORTE MATERIALS, LLC's obligation to see that the four Ranco trailers will pass TxDOT inspection..

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Submitted by:

E.P. BUD KIRK  
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El Paso, TX 79912  
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Attorney for Debtor-in-Possession

In re:  
Paso Del Norte Materials, LLC  
Debtor

Case No. 23-30252-hcm  
Chapter 11

## CERTIFICATE OF NOTICE

District/off: 0542-3  
Date Rcvd: Jul 31, 2023

User: admin  
Form ID: pdfintp

Page 1 of 2  
Total Noticed: 11

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 02, 2023:

Recip ID	Recipient Name and Address
db	+ Paso Del Norte Materials, LLC, 8000 Escobar Dr., El Paso, TX 79907-1854
tr	+ Michael G. Colvard, Martin & Drought, PC, Weston Centre, 112 E Pecan St, Suite 1616, San Antonio, TX 78205-8902
cr	+ 4Rivers Equipment, LLC, c/o Clyde A. Pine, Jr., P.O. Box 1977, El Paso, TX 79999-1977
cr	+ C&R DISTRIBUTING, LLC, Gordon Davis Johnson & Shane, PC, 4695 N. Mesa Street, Suite 100, El Paso, TX 79912 UNITED STATES 79912-6149
cr	+ Clowe & Cowan of El Paso, LLC, c/o Michael J. Shane, 4695 N. Mesa Street, Suite 100, El Paso, TX 79912-6149
cr	+ Joshua Ortega d/b/a Sunset Sand & Gravel, ScottHulse PC, c/o James Feuille, 201 E. Main Dr. Ste. 1100, El Paso, TX 79901-1340
intp	+ Sean Kelley, 22911 Trailwood, Tomball, TX 77375-7107
cr	+ Sumitomo Mitsui Finance and Leasing Co. Ltd., c/o Kye Law Group, P.C., 201 Old Country Road, Suite 120, Melville, NY 11747-2725
cr	+ Wallwork Financial, c/o Padfield & Stout, LLP, Christopher V. Arisco, 420 Throckmorton Street, Suite 1210, Fort Worth, TX 76102-3792
cr	+ Wells Fargo Equipment Finance, Inc., c/o James W. Brewer, P. O. Box 2800, El Paso, TX 79999-2800

TOTAL: 10

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	Email/Text: sanantonio.bankruptcy@publicans.com	Jul 31 2023 23:15:00	City Of El Paso, Weston Centre, 112 E. Pecan St, Suite 2200, San Antonio, TX 78205

TOTAL: 1

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
aty	*+	Michael G. Colvard, Martin & Drought, PC, Weston Centre, 112 E Pecan St, Suite 1616, San Antonio, TX 78205-8902

TOTAL: 0 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 02, 2023

Signature: /s/Gustava Winters

**CM/ECF NOTICE OF ELECTRONIC FILING****The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 31, 2023 at the address(es) listed below:**

Name	Email Address
Aldo R Lopez	on behalf of Creditor Prana Machinery Inc. alopez@raylaw.com, psoto@raylaw.com
Callan Clark Searcy	on behalf of Creditor Texas Comptroller of Public Accounts Revenue Accounting Division bk-csearcy@texasattorneygeneral.gov, sherri.simpson@oag.texas.gov
Christopher V. Arisco	on behalf of Creditor Wallwork Financial carisco@padfieldstout.com carisco@livepad.com
Clyde A. Pine, Jr.	on behalf of Creditor 4Rivers Equipment LLC pine@mgmsg.com, clyde.pine@gmail.com
Don Stecker	on behalf of Creditor City Of El Paso don.stecker@lgbs.com
E. P. Bud Kirk	on behalf of Plaintiff Paso Del Norte Materials LLC budkirk@aol.com
E. P. Bud Kirk	on behalf of Debtor Paso Del Norte Materials LLC budkirk@aol.com
Erin Coughlin	on behalf of U.S. Trustee United States Trustee - EP12 erin.coughlin@usdoj.gov roxana.peterson@usdoj.gov;carey.a.tompkins@usdoj.gov;omar.e.jones@usdoj.gov
Gregory Marc Weinstein	on behalf of Creditor United States Fire Insurance Company gweinstein@weinrad.com cspringer@weinrad.com;smcfadin@weinrad.com
James Michael Feuille	on behalf of Creditor Joshua Ortega d/b/a Sunset Sand & Gravel jfeu@scotthulse.com tmar@scotthulse.com;jcor@scotthulse.com
James W. Brewer	on behalf of Creditor Wells Fargo Equipment Finance Inc. jbrewer@kempsmith.com, tschoemer@kempsmith.com
James W. King	on behalf of Creditor Sumitomo Mitsui Finance and Leasing Co. Ltd. jking@offermanking.com
Jarom J Yates	on behalf of Creditor 1st Source Bank jarom.yates@haynesboone.com kim.morzak@haynesboone.com
Kelsey Linendoll, I	on behalf of Creditor Wallwork Financial klinendoll@padfieldstout.com
Matthew F Kye	on behalf of Creditor Sumitomo Mitsui Finance and Leasing Co. Ltd. mkye@kyelaw.com mkye@magnozzikye.com
Michael J. Shane	on behalf of Creditor C&R DISTRIBUTING LLC mshane@eplawyers.com, bsilva@eplawyers.com
Michael J. Shane	on behalf of Creditor Clowe & Cowan of El Paso LLC mshane@eplawyers.com, bsilva@eplawyers.com
Steven B. Bass	on behalf of Creditor United States Internal Revenue Service Steven.Bass@usdoj.gov tina.travieso@usdoj.gov
United States Trustee - EP12	USTPRegion07.SN.ECF@usdoj.gov

TOTAL: 19